

SUMMONS**SERVE**CC-02-2019-C-436
Berkeley County Circuit Clerk
Virginia Sine

IN THE CIRCUIT OF BERKELEY WEST VIRGINIA

Maxin Green v. Roberto Ignacio Puentes

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: American Medical Response Mid-Atlantic, Inc., 209 West Washington Street, Charleston, WV 25302

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

J. Morgan, 500 Virginia Street, East, Suite 1190, Charleston, WV 25301

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

11/27/2019 1:09:08 PM

Date

/s/ Virginia Sine

Clerk

*By Belinda Puentes
Deputy Clerk*

11/27/19

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____☐ I certify that I personally delivered a copy of the Summons and Complaint to _____☐ Not Found in Bailiwick

Date

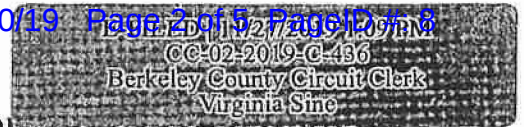
Server's Signature

SECRETARY OF STATE
STATE OF WEST VIRGINIA
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SECRETARY OF STATE
STATE OF WEST VIRGINIA

EXHIBIT

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IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

MAXINE GREEN,

Plaintiff,

v.

Civil Action No: _____
JURY TRIAL DEMANDED

**AMERICAN MEDICAL RESPONSE
MID-ATLANTIC, INC. and
ROBERTO IGNACIO PUENTES,**

Defendants.

COMPLAINT

COMES NOW the Plaintiff, Maxine Green, by counsel, and moves for judgment against the Defendants, American Medical Response Mid-Atlantic, Inc. ("American Medical Response") and Roberto Ignacio Puentes, jointly and severally, on the grounds and in the amount as hereinafter set forth:

1. On or about the 16th day of December, 2017, Plaintiff, Maxine Green, was the driver of her vehicle being operated in the Martinsburg, West Virginia.
2. Defendant American Medical Response Mid-Atlantic, Inc. is, upon information and belief, incorporated in Pennsylvania and having its principle place of business in Greenwood Village, Colorado.
3. Defendant Roberto Puentes is, upon information and belief, a resident of Silver Spring, Maryland.
4. The Court has jurisdiction over the parties and venue is proper in this Court.

**COUNT I
(NEGLIGENCE)**

5. On or about the 16th day of December, 2017, Defendant, Roberto Ignacio Puentes, (hereinafter Defendant Puentes) was travelling eastbound on Charlestown Road, at or near its intersection with the Opequon Connector in Martinsburg, West Virginia.

6. At that time and place aforesaid, Plaintiff, Maxine Green, was the driver of her vehicle, a 2008 Pontiac Grand Prix, and was travelling westbound on Charlestown Road, at or near its intersection with the Opequon Connector.

7. At that time and place aforesaid, Defendant Roberto Ignacio Puentes was operating a 2011 Ford E350 Ambulance owned by Defendant American Medical Response Mid-Atlantic, Inc.

8. At all material times, Defendant Roberto Ignacio Puentes was a permissive user of the 2011 Ford E350 Ambulance owned by Defendant American Medical Response Mid-Atlantic, Inc.

9. At all material times, Defendant Roberto Ignacio Puentes was acting as the employee, statutory employee and agent of Defendant American Medical Response, and was acting within the scope of his employment and agency at the time of the crash that is the subject of this Complaint. Defendant American Medical Response is vicariously liable for the negligent acts of Defendant Roberto Ignacio Puentes described in this Complaint.

10. At that time and place aforesaid, it was the duty of Defendant Puentes to operate his vehicle with reasonable care and due regard for others using the road. Notwithstanding said duties, Defendant Puentes did then and there carelessly, recklessly and negligently operated his vehicle by failing to stop at a clearly observable stop sign and yielding to

the vehicle of Plaintiff, Maxine Green, who had the right of way as she was turning from Charlestown Road onto the Opequon Connector.

11. Defendant Roberto Ignacio Puentes was negligent to include but not limited to the following:

- (a) Failed to keep a proper lookout;
- (b) Failed to give full time and attention to the operation of his vehicle;
- (c) Failed to obey a stop sign;
- (d) Failed to yield the right of way to oncoming traffic;
- (e) Upon information and belief, with no visible skid marks noted, never attempted to brake before the crash;
- (f) Drove recklessly so as to be cited in violation of West Virginia Code § 17C-12-5; and
- (g) Crashed into the front of Plaintiff's vehicle causing a violent, high-speed impact.

12. As a direct and proximate result thereof, Plaintiff, Maxine Green, has been caused to sustain serious and permanent injuries, suffered inconvenience and has suffered a loss of wages and is expected to suffer a loss of earning capacity; has suffered and will continue to suffer great pain of body and mind; has sustained physical limitations, loss of enjoyment of life, mental anguish, scarring and emotional injury; and has incurred and will continue to incur in the future, hospital, doctor and related bills in an effort to be cured of said injuries.

WHEREFORE, Plaintiff, Maxine Green, by counsel, moves this Court for judgment against the Defendants, American Medical Response Mid-Atlantic, Inc. and Roberto Ignacio

Puentes, jointly and severally, for compensatory damages, plus the cost of these proceedings, and pre and post judgment interest from December 16, 2017.

A JURY TRIAL IS DEMANDED.

MAXINE GREEN

/s/ J. Miles Morgan
Of Counsel

J. Miles Morgan (WV# 5908)
The Joel Bieber Firm
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Richmond, VA 23230
(804) 358-2200
Counsel for Plaintiff